

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BILLY CEPERO,

Plaintiff,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,

Defendants.

Case No. 2:11-cv-01421-GMN-GWF

ORDER

Motion to Amend (#18)

This matter comes before the Court on Plaintiff's Motion to Amend (#18), filed on December 9, 2011. The Court screened Plaintiff's Complaint pursuant to 28 U.S.C. § 1915(e), and on November 7, 2011, the Court issued its Report and Recommendation (#9). The Court allowed Counts I and II to proceed, recommended dismissal of Count IV, and granted Plaintiff leave to amend Counts III and V. The Court directed the Clerk to retain Plaintiff's complaint until his amended complaint was screened. The Court granted Plaintiff until December 9, 2011 to file his amended complaint. On December 5, 2011, the Court granted Plaintiff's request to receive a free copy of the complaint he filed as Plaintiff stated that he submitted his only copy to the Court for filing. (*See* #14.) The Court further extended the deadline to file his amended complaint to January 3, 2012. (*See* #17.) On December 9, 2011, Plaintiff filed this Motion to Amend (#18). On December 19, 2011, the Court affirmed the Report and Recommendation, dismissing with prejudice Count IV as it fails to state a claim upon which relief can be granted. (*See* #19.) Further, on January 9, 2012, the Court received a letter from Plaintiff, which contained a hand-written summon naming each Defendant and two additional exhibits that Plaintiff requests be added to his complaint.

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1 Plaintiff has improperly submitted this Motion to Amend (#18). The purpose of a motion to
2 amend is to request the Court's permission to file an amended pleading. *See* LR 15-1. In its Report and
3 Recommendation (#9), the Court previously granted Plaintiff leave to amend his complaint. Plaintiff
4 therefore should have submitted a complete amended complaint in accordance with the Court's
5 instruction. Plaintiff's Motion (#18) only addresses the two counts the Court granted Plaintiff leave to
6 amend and fails to submit a complete amended complaint that the Court can then subject to screening.
7 The Court will therefore grant Plaintiff additional time to submit a complete amended complaint.

8 Plaintiff's amended complaint should include the following: the facts and circumstances
9 surrounding Counts I and II, which were contained in Plaintiff's original complaint; the facts and
10 circumstances surrounding Counts III and V, amended in accordance with the Court's instruction, and
11 any documentation Plaintiff intends to attach as exhibits to his complaint. The Court previously
12 directed the Clerk to send Plaintiff a copy of his initial complaint, so Plaintiff should have all the
13 necessary documents to submit a complete amended complaint. When preparing Plaintiff's amended
14 complaint, Plaintiff should caption his document "Amended Complaint." Once Plaintiff's complete
15 amended complaint has been filed, the Court will then proceed to screen that complaint pursuant to 28
16 U.S.C. § 1915(e). After the amended complaint has been screened and the Court directs the Clerk to
17 file the complaint, then the named Defendants are served with the complaint and summons.

18 Accordingly,

19 **IT IS HEREBY ORDERED** that Plaintiff's Motion to Amend (#18) is **denied** as moot.

20 **IT IS FURTHER ORDERED** that Plaintiff shall have until **February 10, 2012** to file his
21 complete amended complaint.

22 DATED this 12th day of January, 2012.

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25 GEORGE FOLEY, JR.
26 United States Magistrate Judge
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